February 9, 2026

Beth Anne Rippel, RMC
Town Clerk/Tax Collector
Town of Chatham
488 Route 295
Chatham, NY 12037

Re: FOIL Request – 509 Bashford Road, Town of Chatham: Section 303-b Agricultural District Inclusion, Zoning Board of Appeals Accessory Use Variance, and Inter-Board Communications

Dear Ms. Rippel:

Pursuant to the New York State Freedom of Information Law (Public Officers Law, Article 6, Sections 84-90), I respectfully request access to and copies of the following records related to the property at 509 Bashford Road, Town of Chatham (Tax ID: 14.-1-52, SWIS #102689). This request covers two matters currently involving this property: (A) the proposed inclusion of this parcel into Columbia County Agricultural District #10 under Agriculture and Markets Law Section 303-b; and (B) the application currently before the Town of Chatham Zoning Board of Appeals seeking a variance of the Town Code regarding accessory use on this property.

MATTER A: SECTION 303-b AGRICULTURAL DISTRICT INCLUSION

Part I: Records Regarding Section 303-b Notice and Town Participation

1. Any written notice received by the Town of Chatham from Columbia County, the Columbia County Board of Supervisors, or the Columbia County Planning Department regarding the 303-b application to include the above-referenced parcel into Agricultural District #10, as required under Agriculture and Markets Law Section 303-b(3)(b). If such notice was received, please include records indicating the date of receipt and to whom it was directed.

2. If no such written notice was received, I request confirmation of that fact in your response.

3. Any correspondence between the Town of Chatham (including the Town Board, Town Supervisor, Planning Board, Zoning Board of Appeals, or any town official) and Columbia County or any county official regarding this 303-b application or the inclusion of this parcel into an agricultural district.

4. Minutes, agendas, or records of any Town Board, Planning Board, or Zoning Board of Appeals meeting at which the 303-b application for this parcel, or its proposed inclusion into Agricultural District #10, was discussed.

5. Any comments, testimony, or written submissions made by any town official or on behalf of the Town of Chatham regarding this application, including any submissions to the Columbia County Board of Supervisors or at the public hearing held on January 5, 2026.

6. Any correspondence between any town official and the property owner, applicant, or their representatives regarding the agricultural district inclusion of this parcel.

Part II: Electronic Communications Regarding Section 303-b

7. All emails, text messages, and other electronic communications, whether sent via official town accounts or personal accounts used to conduct town business, that reference, discuss, or relate to any of the following subjects:

a) The inclusion of the property at 509 Bashford Road into Columbia County Agricultural District #10;

b) Any 303-b application, public hearing, or Board of Supervisors vote related to this parcel;

c) Any communication regarding agricultural district protections, rights, or implications as they relate to this property.

MATTER B: ZONING BOARD OF APPEALS — ACCESSORY USE VARIANCE

Part III: Records Regarding the ZBA Variance Application

8. The complete application submitted to the Zoning Board of Appeals seeking a variance of the Town Code regarding accessory use on the property at 509 Bashford Road, including all supporting materials, site plans, surveys, narrative statements, and any amendments or supplements to the application.

9. Any determination by the Code Enforcement Officer, Building Inspector, or Zoning Administrator regarding accessory use on this property that gave rise to or is related to the variance application, including any notice of violation, denial of permit, interpretation of the Town Code, or other administrative determination.

10. All minutes, agendas, transcripts, audio or video recordings, and records of any ZBA meeting or public hearing at which this variance application was discussed, considered, or acted upon.

11. Any staff reports, memoranda, or recommendations prepared by or for the ZBA, the Code Enforcement Officer, town attorney, or any consultant regarding this variance application.

12. All public comments, letters, petitions, and written submissions received by the ZBA or any town official in connection with this variance application.

13. Any correspondence between the ZBA, any ZBA member, any town official, or any town employee and the applicant, property owner, or their representatives (including attorneys, agents, engineers, or consultants) regarding this variance application.

14. Any correspondence between the ZBA or any town official and Columbia County, the Columbia County Planning Department, or any other government agency regarding this variance application, including any referral under General Municipal Law Section 239-m.

15. Any decision, resolution, determination, or findings of fact issued or drafted by the ZBA regarding this variance application.

16. Any records reflecting the ZBA's consideration of the relationship between this variance application and the property's proposed or actual inclusion into Agricultural District #10.

Part IV: Electronic Communications Regarding the ZBA Variance

17. All emails, text messages, and other electronic communications, whether sent via official town accounts or personal accounts used to conduct town business, that reference, discuss, or relate to the ZBA variance application for accessory use at 509 Bashford Road, including but not limited to communications regarding:

a) The variance application itself, its merits, or its status;

b) Accessory use, accessory structures, or the interpretation of the Town Code as applied to this property;

c) Any discussion of the relationship between the variance application and the property's agricultural district status or 303-b application;

d) Any communication with or regarding the applicant, property owner, or their representatives.

MATTER C: INTER-BOARD AND INTER-MEMBER COMMUNICATIONS

Part V: Communications Between and Among Town Board, Planning Board, and Zoning Board of Appeals Members

18. All communications between and among members of the Town Board, Planning Board, and Zoning Board of Appeals — whether between members of the same board or between members of different boards — that reference, discuss, or relate to 509 Bashford Road, Fox Hill Winery, Fox Hill Vineyard, Edwin or Cherie Williams, the 303-b agricultural district inclusion, the accessory use variance application, or any land use, zoning, or development matter involving this property. This includes but is not limited to:

a) Communications between Town Board members regarding either or both matters;

b) Communications between Planning Board members regarding either or both matters;

c) Communications between Zoning Board of Appeals members regarding either or both matters;

d) Communications between Town Board members and Planning Board members regarding either or both matters;

e) Communications between Town Board members and Zoning Board of Appeals members regarding either or both matters;

f) Communications between Planning Board members and Zoning Board of Appeals members regarding either or both matters;

g) Communications involving the Town Supervisor and any member of the Planning Board or Zoning Board of Appeals regarding either or both matters.

19. This request encompasses all forms of communication, including emails, text messages, phone logs, voicemails, written notes, memoranda, and messages sent via any messaging application (including but not limited to Gmail, Yahoo, iMessage, WhatsApp, Signal, and Facebook Messenger), whether transmitted via official town accounts or personal accounts used to conduct town business.

20. This request is made to ensure a complete record of how these matters have been discussed and considered by town officials.

SCOPE OF ELECTRONIC COMMUNICATIONS (APPLIES TO PARTS II, IV, AND V)

21. The requests for electronic communications in Parts II, IV, and V cover communications sent or received by the following town officials and employees, including but not limited to:

a) Town Supervisor Donal Collins;

b) All current and former Town Board members;

c) All current and former Planning Board members and alternates;

d) All current and former Zoning Board of Appeals members and alternates;

e) The Town Clerk and any Deputy Town Clerk;

f) Any town attorney, special counsel, or planning consultant retained by the Town of Chatham;

g) The Town's Code Enforcement Officer or Building Inspector;

h) Any other town employee or official who sent or received communications on these subjects.

22. The time period covered by the electronic communications requests is January 1, 2019, through the date of this request.

23. This request includes communications on personal email accounts, personal cell phones, and personal messaging applications where those communications relate to official town business concerning the subjects identified in this request. Under New York law, records relating to government business do not lose their status as government records merely because they are maintained on personal devices or accounts.

24. If any official or employee has used a personal account to conduct town business related to these subjects and the town does not currently possess those records, I request that the town direct those individuals to search their personal accounts and produce responsive records, as required under FOIL and as affirmed by New York courts.

25. I also request any records reflecting the town's efforts to search for and collect responsive records, including any directives sent to officials or employees instructing them to search personal accounts.

SEARCH TERMS

26. For purposes of conducting searches responsive to this request, the following terms should be used across all matters:

a) 509 Bashford Road;

b) Tax ID 14.-1-52 (SWIS #102689);

c) Fox Hill Winery, Fox Hill Vineyard, or Fox Hill;

d) Edwin Williams, Cherie Williams, Ed Williams, or any entity associated with them;

e) Agricultural District #10;

f) 303-b;

g) Accessory use;

h) Variance;

i) ZBA (in connection with this property).

GENERAL PROVISIONS

If any portion of this request is denied, I ask that you cite the specific statutory exemption upon which the denial is based and provide the name and address of the person to whom I may direct an appeal. If any records are redacted, please indicate the redaction and the exemption relied upon.

As a journalist, I request that any fees be waived or reduced, as disclosure of this information is in the public interest. If fees cannot be waived, please advise me of the estimated cost before proceeding.

I look forward to your response within five business days, as required by law.

Sincerely,

Joshua Powell
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